

1 **SECTION 96.** 21.35 of the statutes is renumbered 321.37 and amended to read:

2 **321.37 ~~Federal laws and regulations; no~~ No discrimination.** The
3 ~~organization, armament, equipment, and discipline of the national guard shall be~~
4 ~~that prescribed by federal laws or regulations; and the governor may by order perfect~~
5 ~~such organization, armament, equipment, and discipline, at any time, so as to~~
6 ~~comply with such laws and regulations insofar as they are consistent with the~~
7 ~~Wisconsin code of military justice. Notwithstanding any rule or regulation~~
8 ~~prescribed by the federal government or any officer or department thereof, no~~ No
9 ~~person, otherwise qualified, may be denied membership in the national guard or~~
10 ~~state defense force~~ because of sex, color, race, creed, or sexual orientation and no
11 ~~member of the national guard or state defense force~~ may be segregated within the
12 ~~national guard or state defense force~~ on the basis of sex, color, race, creed, or sexual
13 orientation. Nothing in this section prohibits separate facilities for persons of
14 different sexes with regard to dormitory accommodations, public toilets, showers,
15 saunas, and dressing rooms.

16 **SECTION 97.** 21.36 (title) of the statutes is repealed.

17 **SECTION 98.** 21.36 (1) of the statutes is renumbered 321.36 and amended to
18 read:

19 **321.36 Rules of discipline.** The applicable rules of discipline and the
20 regulations of the U.S. armed forces ~~of the U.S.~~ shall, ~~so far as the same are~~
21 ~~applicable,~~ constitute the rules of discipline and the regulations of the national
22 guard; ~~the.~~ The rules and uniform code of military justice established by ~~congress~~
23 Congress and the U.S. department of defense for the armed forces shall be adopted
24 so far as they are applicable and consistent with the Wisconsin code of military
25 justice for the government of the national guard, ~~and the.~~ The system of instruction

1 and the drill regulations prescribed for the different arms and corps of the armed
2 forces of the U.S. shall be followed in the military instruction and practice of the
3 national guard, and the use of any other system is forbidden.

4 SECTION 99. 21.36 (2) of the statutes is renumbered 321.04 (2) (a) and amended
5 to read:

6 321.04 (2) (a) ~~The governor may make and~~ Make, publish, and have printed
7 rules policies, regulations, and orders instructions for the government governance
8 of the national guard, ~~not inconsistent with the law, and cause the rules, regulations,~~
9 ~~or orders, together with any related laws, to be printed and distributed in book form,~~
10 ~~or another form, in any number that the governor considers necessary. The governor~~
11 ~~may provide.~~

12 (b) Provide for all books and forms ~~that may be necessary for the proper~~
13 ~~discharge of the duty of all officers. The governor may delegate the authority under~~
14 ~~this subsection to the adjutant general by executive order of the national guard.~~

15 SECTION 100. 21.37 of the statutes is ~~renumbered 321.70 and amended to read:~~ *repealed.*

16 **321.70 The Wisconsin code of military justice.** The Wisconsin code of
17 military justice as created by chapter 20, laws of 1969, ~~shall govern~~ governs the
18 conduct of all members of the national guard and ~~any other military force organized~~
19 ~~under the laws of this~~ the state defense force. The revisor of statutes ~~shall~~ may not
20 print the Wisconsin code of military justice in the statutes.

21 SECTION 101. 21.38 of the statutes is renumbered 321.31 and amended to read:

22 **321.31 Uniform of Wisconsin national guard.** The uniform of the national
23 guard shall be ~~that~~ as prescribed by regulations for the corresponding branch of the
24 United States U.S. armed forces.

25 SECTION 102. 21.42 of the statutes is repealed.

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component

1 **SECTION 103.** 21.43 of the statutes is renumbered 321.33 and amended to read:

2 **321.33 Commissions and rank.** The governor shall appoint and issue
3 commissions to all officers whose appointments are approved by the governor. Every
4 commission shall be ~~countersigned~~ signed by the secretary of state and attested by
5 the adjutant general and. A commission shall continue as provided by law unless
6 terminated earlier by resignation, disability, or for cause or unless federal
7 recognition of the officer's commission under 32 USC 323 is refused or withdrawn.
8 Each ~~officer so~~ commissioned officer shall take the oath of office prescribed by article
9 IV, section 28, of the constitution and file it with the department of military affairs
10 ~~the oath of office prescribed by article IV, section 28, of the constitution.~~ All
11 commissioned officers shall take rank according to the date assigned them by their
12 commissions, and when 2 of the same grade rank from the same date, their rank shall
13 be determined by length of creditable service in the national guard ~~creditable for pay,~~
14 and if of equal creditable service then by lot.

15 **SECTION 104.** 21.47 of the statutes is renumbered 321.34 and amended to read:

16 **321.34 Examinations for promotion or appointments.** The governor or
17 adjutant general may order any subordinate officer or person nominated or
18 recommended for promotion or appointment in the national guard or state defense
19 force to be examined by any competent officer or board of officers, designated in
20 orders for that purpose, as to that person's qualifications for the office to which that
21 person ~~may is to be recommended or appointed, and or promoted.~~ The governor or
22 adjutant general may take such action on the report of ~~such~~ the examining officer or
23 board of officers as ~~the governor deems~~ he or she considers to be for the best interests
24 of the service national guard or state defense force. The governor or adjutant general

1 may also require the person to take the physical examination provided for admission
2 to the ~~United States~~ U.S. army or air force.

3 SECTION 105. 21.48 of the statutes is renumbered 321.35 and amended to read:

4 321.35 Pay. (1) ~~Each~~ Every officer and enlisted person ~~of on state active duty~~
5 in the national guard on active duty in the state under orders of the governor on a
6 state pay basis shall receive the base pay and allowances of an officer or enlisted
7 person of equal rank in the corresponding branch of the U.S. armed forces except that
8 the base pay so provided shall not be less than \$50 per day.

****NOTE: The drafting committee wanted to highlight for the special committee the
\$50 minimum base pay, which perhaps should be raised to a more appropriate amount?

9 (2) The governor may, ~~by orders, duplicates of which shall be filed with the~~
10 ~~secretary of state, fix the pay of any member of the governor's staff~~ military staff of
11 the governor, or other members of the national guard or state defense force for any
12 ~~special service under orders~~ state active duty.

13 (3) The governor may order, with ~~their~~ the member's consent, to state active
14 ~~duty in the department of military affairs, any departmental officers of the~~
15 ~~governor's staff, including the adjutant general and the deputy adjutants general,~~
16 ~~and while so~~ a member of his or her military staff who is a state employee. The
17 ~~assigned the officers~~ staff member shall receive the pay, but not the allowances, of
18 an officer of equal grade in the U.S. armed forces ~~of the United States~~.

19 SECTION 106. 21.49 (title) and (1) (intro.) of the statutes are renumbered 321.40
20 (title) and (1) (intro.).

21 SECTION 107. 21.49 (1) (ae) of the statutes is repealed.

22 SECTION 108. 21.49 (1) (am) and (ar) of the statutes are renumbered 321.40 (1)
23 (a) and (b).

1 **SECTION 109.** 21.49 (1) (b) (intro.) of the statutes is renumbered 321.40 (1) (c)
2 (intro.).

3 **SECTION 110.** 21.49 (1) (b) 1., 1g. and 1m. of the statutes are renumbered 321.40
4 (1) (c) 1., 2. and 3.

5 **SECTION 111.** 21.49 (1) (b) 2. of the statutes is renumbered 321.40 (1) (c) 4. and
6 amended to read:

7 321.40 (1) (c) 4. Except as provided in subds. ~~1g.~~ 2. and ~~1m.~~ 3., an accredited
8 institution of higher education located in this state, as defined in 20 USC 1002.

9 **SECTION 112.** 21.49 (1) (b) 3. of the statutes is renumbered 321.40 (1) (c) 5.

10 **SECTION 113.** 21.49 (1) (c) of the statutes is renumbered 321.40 (1) (d) and
11 amended to read:

12 321.40 (1) (d) "Tuition grant" means any tuition cost reimbursement payment
13 made by the department under sub. ~~(3)~~ (4).

14 **SECTION 114.** 21.49 (2) (intro.), (a), (b) and (e) of the statutes are renumbered
15 321.40 (2) (intro.), (a), (b) and (d).

16 **SECTION 115.** 21.49 (2) (d) of the statutes is renumbered 321.40 (2) (c) and
17 amended to read:

18 321.40 (2) (c) Failing to meet the national guard service duty eligibility criteria
19 established by the department or absent without leave for more than 9 unit training
20 assemblies.

21 **SECTION 116.** 21.49 (2) (f) of the statutes is renumbered 321.40 (2) (e) and
22 amended to read:

23 321.40 (2) (e) Failing to achieve a minimum grade point average of 2.0 ~~or an~~
24 average grade of "C" for the semester for which reimbursement is requested a tuition
25 grant is applied for.

1 **SECTION 117.** 21.49 (2m) of the statutes is renumbered 321.40 (3), and 321.40
2 (3) (intro.), as renumbered, is amended to read:

3 321.40 (3) INFORMATION REGARDING ATTENDANCE. (intro.) The department shall
4 promulgate by rule the number of days after commencement of a course that a guard
5 member shall provide the department with the following information regarding his
6 or her intent to seek reimbursement for a course apply for a tuition grant under this
7 section:

8 **SECTION 118.** 21.49 (3) of the statutes is renumbered 321.40 (4), and 321.40 (4)
9 (a) and (b) 3., as renumbered, are amended to read:

10 321.40 (4) (a) Any eligible guard member upon satisfactory completion of a
11 full-time or part-time course in a qualifying school ~~is eligible for~~ may apply for a
12 tuition grant equal to 100% of the actual tuition charged by the school or 100% of the
13 maximum resident undergraduate tuition charged by the University of
14 Wisconsin-Madison for a comparable number of credits, whichever amount is less.

15 (b) 3. Contain the signatures of both the guard member claiming the grant and
16 a representative of the school, certifying that the member has satisfactorily
17 completed the course and has achieved the minimum grade point average or grade,
18 as required under sub. (2) (f) ~~(f)~~ (e).

19 **SECTION 119.** 21.49 (3m) and (4) of the statutes are renumbered 321.40 (5) and
20 (6) and amended to read:

21 321.40 (5) REPAYMENT OF GRANTS. The department shall require a national
22 guard member who has received a tuition grant under this section to repay the
23 amount of the tuition grant to the department if the national guard member, ~~on or~~
24 ~~after September 1, 2001,~~ is separated from the national guard for misconduct, as
25 defined in the rules and regulations of the national guard, including being absent

1 without leave for more than 9 unit training assemblies. The department may elect
2 to collect the amount owed under this subsection through the tax intercept program
3 under s. 71.93.

4 (6) LIMITATIONS. (a) No guard member is eligible for benefits a tuition grant
5 under this section for more than 120 credits of part-time study or 8 full semesters
6 of full-time study or the equivalent thereof.

7 (b) If the U.S. congress establishes an active draft after July 1, 1977, no new
8 tuition grants may be authorized under this section. The department shall
9 determine if an active draft has been established. Any termination of the tuition
10 grant program under this paragraph shall allow persons receiving grants prior to the
11 establishment of an active draft to receive full benefits subject to sub. (3) (4) (d) and
12 par. (a).

13 (c) No guard member may receive a tuition grant under sub. (3) (4) for any
14 semester in which he or she received a payment under s. 45.20 (2).

15 SECTION 120. 21.50 (title) of the statutes is renumbered 321.21 (title).

16 SECTION 121. 21.50 (1) and (2) of the statutes are renumbered 321.21 (2) (a) and
17 (b) and amended to read:

18 321.21 (2) (a) Each commanding officer ~~to whom state or federal~~ who is issued
19 ~~military property is issued may be required to execute to the state a bond, with such~~
20 ~~sureties and in such form and amount as the adjutant general shall approve,~~
21 ~~conditioned for the faithful preservation and care of all such arms, accoutrements~~
22 ~~moneys, or stores that the officer received, to indemnify the state against loss by~~
23 ~~misuse or misapplication by the officer or any other person; to~~ or money shall account
24 for all of the same according to law, and to the property and money, deliver the same
25 the property and money to any officer lawfully entitled thereto, ~~on demand~~ to receive

1 them, and to pay all sums lawfully appraised for all losses or damages to that
2 property or money.

3 (b) The unit commander is the legal custodian has control of the money; and
4 military property and effects of any company-sized unit or detachment of the national
5 guard, whether said the money or property is owned by said assigned to the unit or
6 detachment or its members collectively, or has been issued to it or any of its officers,
7 for its use, by the state or the United States authority, and. The unit commander may
8 sue for and recover possession of the same money or military property, whenever it
9 is wrongfully withheld from the unit commander's custody or the custody control of
10 the unit or detachment.

11 **SECTION 122.** 21.50 (3) and (4) of the statutes are repealed.

12 **SECTION 123.** 21.51 of the statutes is renumbered 321.13.

13 **SECTION 124.** 21.52 of the statutes is renumbered 321.14 and amended to read:

14 **321.14 Authority to administer oaths.** Any officer of the national guard or
15 any officer of the U.S. armed forces may administer oaths of enlistment in the
16 national guard.

17 **SECTION 125.** 21.54 of the statutes is renumbered 321.15 and amended to read:

18 **321.15 Resignation of officer.** A commissioned officer may resign the
19 officer's his or her commission by submitting the written resignation to the officer's
20 his or her immediate commanding officer, in writing, who. The commanding officer
21 shall promptly forward the same resignation through military channels to the
22 adjutant general. The governor shall, by order, accept or reject the same resignation,
23 and, if accepted, fix the effective date of its taking effect. No the resignation shall
24 take effect except as so ordered.

25 **SECTION 126.** 21.56 (title) of the statutes is repealed.

1 **SECTION 127.** 21.56 (1) and (2) of the statutes are renumbered 321.21 (3) (a) and
2 (b) and amended to read:

3 321.21 (3) (a) All state-owned military property or money issued to any officer
4 or armory facility manager shall be audited annually as a part of the annual
5 inspection of federal property accounts. When ~~damages~~ damage, other than ~~fair~~
6 reasonable wear and tear, or loss of state-owned property is discovered, the adjutant
7 general shall appoint a surveying officer to determine the cause and fix blame. Upon
8 review, the adjutant general may hold responsible individuals ~~pecuniarily~~
9 financially liable, ~~and may require a depreciated payment, as determined by the~~
10 ~~adjutant general, into the state treasury.~~ If it is determined that the property or
11 money was damaged, destroyed or lost without fault or neglect on the part of those
12 responsible, all concerned ~~may~~ shall be relieved of liability.

13 (b) Whenever any state-owned military property becomes unsuitable,
14 unserviceable, or no longer required for military purposes, it shall be disposed of as
15 surplus property subject to s. 16.72 (4) and (5).

16 **SECTION 128.** 21.57 (title) of the statutes is repealed.

17 **SECTION 129.** 21.57 (1) and (2) of the statutes are renumbered 321.21 (4) (a) and
18 (b) and amended to read:

19 321.21 (4) (a) ~~Whenever any~~ When an officer who is responsible for state
20 military property or money is separated or reassigned, all military property or money
21 in the officer's possession or for which the officer is responsible shall ~~be delivered to~~
22 become the responsibility of the person designated the adjutant general designates
23 to receive the property ~~by the adjutant general or money.~~ No separation or
24 reassignment shall be effective until all property accounts have been settled.

1 (b) ~~In case of the death of any~~ If an officer having custody control of state
2 military property or money dies, the next in command shall immediately take charge
3 of such the property or money and deliver ~~the same~~ the property or money to the
4 person the adjutant general appointed to receive control the property ~~by the adjutant~~
5 ~~general or money~~.

6 **SECTION 130.** 21.59 of the statutes is repealed.

7 **SECTION 131.** 21.60 of the statutes is repealed.

8 **SECTION 132.** 21.61 (title) of the statutes is repealed.

9 **SECTION 133.** 21.61 (1), (3), (4) and (5) of the statutes are renumbered 321.23
10 (1) (a), (b), (c) and (d) and amended to read:

11 321.23 (1) (a) ~~The governing body of any city, village, town or county~~ A political
12 subdivision or federally recognized Indian tribe or band in which one or more
13 ~~companies~~ units of the national guard ~~may be~~ is located may erect build or purchase
14 a suitable armory for the purpose of drill and for the safekeeping of ~~the arms,~~
15 ~~equipment, uniforms and other~~ military property furnished by the state, and for
16 public meetings and conventions, when such that use will not interfere with the use
17 of such the building by the national guard. ~~Plans and specifications~~ The adjutant
18 general and the building commission may review and approve or reject plans and
19 specifications for such the armories shall be inspected and approved by the governor
20 ~~and the adjutant general who.~~ The adjutant general and the department of
21 administration shall file with the governing body of the city, village, town or county
22 political subdivision or the federally recognized Indian tribe or band a certificate of
23 such inspection and approval prior to before the erection thereof construction of an
24 armory.

1 (b) ~~The governing body of any city, village, town or county~~ A political
2 subdivision or federally recognized Indian tribe or band in which any such company
3 unit of the national guard ~~may be~~ is located may purchase land and build armories
4 in the same manner as the ~~governing body~~ political subdivision or tribe or band is
5 now authorized by law to build other ~~city, village, town or county~~ buildings, and
6 ~~when.~~ When unable to agree upon the price of land with its owner, the political
7 subdivision or federally recognized Indian tribe or band may, if in its opinion
8 necessary, appropriate land for the purpose of building armories in the same manner
9 as the ~~governing body~~ political subdivision or tribe or band is now authorized by law
10 to appropriate real estate for other ~~city, village, town or county~~ buildings. ~~In case~~
11 ~~however~~ If a city, village, town or county shall have political subdivision or federally
12 recognized Indian tribe or band aided in the erection building of an armory and the
13 company or companies of the national guard for which the armory was erected shall
14 at any time be built ~~is~~ disbanded, then the armory shall become the property of the
15 ~~city, village, town or county in which~~ political subdivision or tribe or band that aided
16 in the building of the armory ~~is erected~~.

17 (c) ~~Such~~ The armory, when erected built or purchased, shall be under the
18 control and charge of the governor, the adjutant general, and the commanding officer
19 of the ~~company or companies~~ unit of the national guard for which it has been
20 provided. The commanding officer shall ~~cause to be deposited therein,~~ deposit in the
21 armory all ~~arms, uniforms and equipment~~ military property received from the
22 governor and the adjutant general ~~who.~~ The adjutant general may ~~make such rules~~
23 ~~as they deem proper for the observance of~~ issue regulations, instructions, or policies
24 to be followed by all officers and persons having charge of such the armories or
25 occupying any part thereof of the armories.

(d) Whenever any ~~county, city, town or village erects~~ political subdivision or federally recognized Indian tribe or band constructs a building as a memorial to the ~~soldiers, sailors and marines~~ members of the U.S. armed forces or national guard who served in any war or armed conflict of the United States and makes provision ~~therein in the memorial building~~ for the accommodation of one or more companies of the national guard having no regularly established armory, the ~~governor, adjutant general or other state officers having control of armory accommodations and regulations~~ shall, whenever practicable, rent the armory provided in such ~~the~~ memorial building for the use of those companies of the national guard.

SECTION 134. 21.612 of the statutes is repealed.

SECTION 135. 21.616 (title) of the statutes is repealed.

SECTION 136. 21.616 of the statutes is renumbered 321.23 (2) and amended to read:

321.23 (2) The department of military affairs is authorized and directed may, when contributions ~~therefor~~ are made available by the federal government under the ~~national defense facilities act of 1950 or any act or acts amendatory thereof or supplementary thereto,~~ to federal law, expand, rehabilitate, equip, or convert facilities owned by the state and to acquire, construct, expand, rehabilitate, equip, or convert additional facilities. The department of military affairs may ~~on the part of the state~~ accept such the federal contributions in the manner prescribed by federal law or regulation, and may accept ~~on behalf of the state~~ the lawful terms and conditions ~~thereof of a federal contribution~~. The department of military affairs shall ~~take such steps and have all the functions and~~ has the duties and powers necessary, consistent with the appropriation ~~therefor~~, to acquire contributions under any such federal act law and to undertake and complete ~~any such a project described in this~~

1 subsection in conformity with the applicable federal act law and this section
2 subsection.

3 **SECTION 137.** 21.62 of the statutes is repealed.

4 **SECTION 138.** 21.63 of the statutes is repealed.

5 **SECTION 139.** 21.70 (title) of the statutes is repealed.

6 **SECTION 140.** 21.70 (1) and (2) of the statutes are renumbered 321.02 (1) and
7 (2) and amended to read:

8 321.02 (1) The governor may request volunteers of from the national guard to
9 provide assistance to federal, state and local law enforcement officers, within or
10 outside the boundaries of this state, in drug interdiction and counter-drug activities
11 under 32 USC 112. These activities may include the operation and maintenance of
12 equipment and facilities. The governor may order, with their consent, any national
13 guard members who volunteer under this section subsection to duty in federally
14 funded status. The governor may delegate his or her authority under this section
15 subsection to the adjutant general. The adjutant general shall follow all laws and
16 regulations of the U.S. department of defense when ordering national guard
17 members to perform drug interdiction and counter-drug activities under this section
18 subsection.

19 (2) A national guard member assisting in drug interdiction and counter-drug
20 activities under this section subsection shall obey ~~and execute~~ the instructions of a
21 law enforcement officer from the assisted agency involved in these activities that are
22 given to the national guard member through the military chain of command.

23 **SECTION 141.** 21.72 of the statutes is renumbered 321.60, and 321.60 (1) (c), (2),
24 (5) and (6), as renumbered, are amended to read:

1 321.60 (1) (c) "Service member" means a member of a reserve unit of the U.S.
2 armed forces, a member of the state defense force, or a member of a national guard
3 unit of any state who is a resident of Wisconsin.

4 (2) Any license that a service member holds, the expiration date of which is
5 after September 11, 2001, except a license to practice law, does not expire on the
6 expiration date of the license if, on the expiration date, the service member is on state
7 ~~active duty under ch. 21 or on active duty in the U.S. armed forces~~. If the supreme
8 court agrees, a license to practice law that a service member holds, the expiration
9 date of which is after September 11, 2001, does not expire on the expiration date of
10 the license if, on the expiration date, the service member is on state active duty under
11 ~~ch. 21 or on active duty in the U.S. armed forces~~. A license extended under this
12 subsection expires 90 days after the service member is discharged from active duty.

13 (5) The department of ~~military affairs~~ shall assist any service member who
14 needs assistance to renew or extend a license under this section.

15 (6) The department of ~~military affairs~~ shall prepare and distribute to
16 appropriate agencies and persons, at no cost to those agencies or persons, a brochure
17 explaining the provisions of this section.

18 **SECTION 142.** 21.74 (title) of the statutes is renumbered 321.61 (title) and
19 amended to read:

20 **321.61 (title) ~~Soldiers and sailors~~ Service members civil relief act for**
21 **property taxes and mobile telephone contracts; federal service active duty.**

22 **SECTION 143.** 21.74 (1) of the statutes is renumbered 321.61 (1) (a) and
23 amended to read:

24 321.61 (1) (a) In this section subsection, unless the context indicates otherwise:

1 1. "Interest and penalties" means interest and penalties accruing on taxes
2 during the period of ~~military service~~ federal active duty and 6 months thereafter. In
3 case several owners jointly own property, other than property held jointly or as
4 marital property with the spouse of the person in ~~military service~~ federal active duty,
5 interest and penalties means the proportionate share of the total interest and
6 penalties commensurate with the equity in the property of the person in ~~military~~
7 ~~service~~ federal active duty.

8 2. "Person in ~~military service~~ federal active duty" means any man or woman
9 who is serving ~~on~~ in federal active duty in the U.S. armed forces, ~~except service on~~
10 ~~active duty for training purposes~~ for a period of 90 days or more.

11 3. "Property" means any real estate or personal property belonging to a person
12 in ~~military service~~ federal active duty that was acquired prior to the commencement
13 of ~~military service~~ the federal active duty or that was acquired by descent.

14 4. "Taxes" means any general property taxes or special assessments or tax
15 certificates evidencing those taxes and assessments not belonging to private buyers.

16 **SECTION 144.** 21.74 (2), (3), (4), (5), (6) and (7) of the statutes are renumbered
17 321.61 (1) (b), (c), (d), (e), (f) and (g) and amended to read:

18 321.61 (1) (b) To supplement and complement the provisions of 50 App. USC
19 501, and to afford and obtain greater peace and security for persons in ~~military~~
20 ~~service~~ federal active duty, the enforcement of certain tax obligations or liabilities
21 that may prejudice the property rights of persons in ~~military service~~ federal active
22 duty may be temporarily suspended as provided in this ~~section~~ subsection.

23 (c) Any person ~~while in the military service of the United States~~ federal active
24 duty or within 6 months after terminating ~~service~~ that duty, or the person's agent or
25 attorney during that period, may petition the circuit court of any county in which the

1 person owns property for relief under this ~~section~~ subsection. Upon filing of the
2 petition the court shall make an order fixing the time of hearing and requiring the
3 giving of notice of the hearing. If after the hearing the court finds that the person
4 is, or within 6 months next preceding the filing of the petition was, in ~~the military~~
5 ~~service of the United States~~ federal active duty and owns property within the county
6 on which taxes have fallen or will fall due, and that the person's ability to pay the
7 taxes has been materially adversely affected by reason of being in ~~military service~~
8 federal active duty, the court shall enter an order determining that the person is
9 entitled to relief under this ~~section~~ subsection. The court may suspend proceedings
10 for the collection of taxes on the property for a period not exceeding 6 months after
11 termination of the ~~military service~~ federal active duty of the person, or for the time
12 reasonably necessary to complete the agreement provided in ~~sub. (7)~~ par. (g).
13 Thereafter, the property shall not be included in tax certificates issued to enforce
14 collection of taxes on property, and all proceedings for that purpose shall be
15 suspended, except under terms that the court may order.

16 (d) Whenever any tax or assessment on real property, including all special
17 assessments, is not paid when due, any interest or penalty under s. 74.47 and the
18 maximum limitation of 6 percent per year ~~as provided under 50 App. USC 501~~ shall
19 be waived for the purpose and under the conditions specified in this ~~section~~
20 subsection.

21 (e) The penalties and interest waived under this ~~section~~ subsection are those
22 for nonpayment of all taxes or assessments, general or special, falling due during the
23 period of ~~military service~~ federal active duty of any person against either real or
24 personal property of which the person is the bona fide owner or in which the person
25 has an interest.

1 (f) The person owning or having an interest in any property in respect to which
2 the order under ~~sub. (3)~~ par. (c) is made, or the person's agent or attorney, may file
3 a certified copy of the order of suspension with the county treasurer or with the city
4 treasurer of cities authorized by law to sell lands for the nonpayment of taxes as to
5 the taxes and assessments. The person shall file with the order an affidavit in
6 triplicate, sworn to by the person or agent or attorney, setting forth the name of the
7 owner, the legal description of the property, the type of property, when acquired,
8 volume and page number where the deed was recorded if acquired by deed, and the
9 name of the estate if acquired by descent, amount of delinquent taxes if any, and the
10 names of the holders of any outstanding mortgage, lien, or other encumbrance. Upon
11 receipt of the filing, the county treasurer or city treasurer shall record the order in
12 the office of the register of deeds of the county and file a copy in the office of the
13 treasurer, who shall make proper notation that a person in ~~military service~~ federal
14 active duty is the holder of the legal title and has made application for special relief.
15 The county treasurer or city treasurer shall immediately forward an additional copy
16 of the order and affidavit to the office of the clerk of the town, city, or village where
17 the property is located, or if it is located in a city, authorized to sell lands for
18 nonpayment of its taxes, to the commissioner of assessments, who shall make an
19 appropriate notation in the records.

20 (g) Any person seeking relief under this ~~section~~ subsection, within 6 months
21 after termination of ~~military service~~ federal active duty, or the person's agent or
22 attorney, or in case of death of the person, the personal representative, surviving
23 spouse, or heir, may apply to the county treasurer of the county, or the city treasurer
24 of a city authorized by law to sell lands for the nonpayment of taxes, where the
25 property is located, for an agreement for scheduled installment payments, covering

1 the taxes accrued during the person's period of ~~military service~~ federal active duty,
2 provided that the taxes will be paid over a period of time equal to a period no longer
3 than twice the length of ~~military service~~ federal active duty of the person, in equal
4 periodic installments of not less than \$10, and subject to any other terms as may be
5 just and reasonable.

6 **SECTION 145.** 21.74 (8) of the statutes is renumbered 321.61 (1) (h).

7 **SECTION 146.** 21.74 (9) of the statutes is renumbered 321.61 (2), and 321.61 (2)
8 (a) 2., (b) 1., (c) and (g), as renumbered, are amended to read:

9 321.61 (2) (a) 2. "Contract" means an agreement between a person in ~~military~~
10 ~~service~~ federal active duty and a mobile telephone service provider that requires the
11 person in ~~military service~~ federal active duty to pay the mobile telephone service
12 provider a monthly fee in exchange for the use of a mobile telephone.

13 (b) 1. The contract was executed by or on behalf of a person in ~~military service~~
14 federal active duty who entered federal active ~~military~~ duty after the contract was
15 executed.

16 (c) A person in ~~military service~~ federal active duty may suspend or terminate
17 a contract to which this subsection applies without any penalties or additional fees
18 at any time after the ~~service member~~ person in federal active duty has been issued
19 orders into federal active duty by giving written notice to the mobile telephone
20 service provider. The ~~service member~~ person in federal active duty shall include a
21 copy of the orders into federal active duty as part of the notice. The notice may be
22 given by 1st class mail to the address provided in the agreement with the mobile
23 telephone service provider or provided in the mobile telephone service provider's
24 billing statement or by delivering the notice to the mobile telephone service
25 provider's branch office.

1 (g) If a mobile telephone service provider assesses a person in ~~military service~~
2 federal active duty any penalty or fee after the person has suspended or terminated
3 the contract under par. (c) or fails to make any refund required under par. (e), the
4 ~~service member shall have the right to~~ person in federal active duty may bring an
5 action for damages. If the ~~service member~~ person in federal active duty prevails in
6 an action brought under this paragraph, the court shall order the mobile telephone
7 service provider to pay the service member exemplary damages of \$2,000.

8 **SECTION 147.** 21.75 (title) of the statutes is renumbered 321.62 (title) and
9 amended to read:

10 **321.62** (title) ~~Soldiers' and sailors'~~ Service members civil relief act;
11 state service active duty.

12 **SECTION 148.** 21.75 (1) (intro.) of the statutes is renumbered 321.62 (1) (intro.).

13 **SECTION 149.** 21.75 (1) (a) of the statutes is repealed.

14 **SECTION 150.** 21.75 (1) (b), (cm) and (d) of the statutes are renumbered 321.62
15 (1) (a), (b) and (c) and amended to read:

16 321.62 (1) (a) "Court" means a Wisconsin circuit court of record, a Wisconsin
17 court of appeals, or the Wisconsin supreme court.

18 (b) "Period of active state service active duty" means the period beginning on
19 the date on which the service member receives an order to enter state active state
20 ~~service~~ duty and ending on the date of the service member's release from state active
21 ~~state service~~ duty or death while in on state active state-service duty.

22 (c) "Service member" means a ~~resident of this state~~ member of the national
23 guard or state defense force who ~~may be called~~ is ordered into active state service
24 active duty for 30 days or more.

25 **SECTION 151.** 21.75 (1) (c) of the statutes is repealed.

1 **SECTION 152.** 21.75 (2) of the statutes is renumbered 321.62 (2), and 321.62 (2)
2 (b) and (c), as renumbered, are amended to read:

3 321.62 (2) (b) If a service member is the principal on a criminal bail bond and
4 his or her active state service active duty causes the surety upon the bond to be
5 prevented from enforcing the attendance of the service member at court, the court
6 shall not enforce the provisions of the bond during the service member's period of
7 active state service active duty and may either during or after the period of state
8 active service duty discharge the surety and exonerate the bail.

9 (c) A surety, guarantor, endorser, or other person subject to the obligation,
10 liability, court action, order, writ, or judgment under par. (a) or (b) may waive in
11 writing the rights afforded by this subsection, except that the waiver is not valid
12 unless the waiver is executed as an instrument separate from the obligation, liability,
13 court action, order, writ, or judgment. The waiver under this paragraph is not valid
14 after the beginning of the period of active state service active duty if executed by a
15 service member who subsequently is called ordered into active state service active
16 duty. The waiver under this paragraph is not valid if executed by a dependent of a
17 service member unless the waiver is executed during the period of active state service
18 active duty.

19 **SECTION 153.** 21.75 (3) of the statutes is renumbered 321.62 (3) and amended
20 to read:

21 321.62 (3) **EFFECT ON RIGHTS UNDER A WRITTEN AGREEMENT.** This section does not
22 prevent the modification, termination, or cancelation of any contract, lease,
23 bailment, or secured obligation, or the repossession, retention, foreclosure, sale, or
24 forfeiture of property that is security for any obligation or which has been purchased
25 or received under a contract, lease, or bailment under a written agreement of the

1 parties if that agreement is executed during or after the period of active state service
2 active duty.

3 **SECTION 154.** 21.75 (4) of the statutes is renumbered 321.62 (4).

4 **SECTION 155.** 21.75 (5) of the statutes is renumbered 321.62 (5), and 321.62 (5)
5 (a) and (b) (intro.) and 1., as renumbered, are amended to read:

6 321.62 (5) (a) If, in any court action, there is a default of any appearance of the
7 defendant, the plaintiff, when requesting a default judgment, shall file with the court
8 an affidavit setting forth facts showing that the defendant is not in active state
9 service active duty. If the plaintiff is unable to file such an affidavit, the plaintiff
10 shall, when requesting a default judgment, file an affidavit setting forth that the
11 defendant is in active state service active duty or that the plaintiff is unable to
12 determine if the defendant is in active state service active duty. If an affidavit is not
13 filed showing that the defendant is not in active state service active duty, a default
14 judgment may not be entered without a court order. A court may not order the entry
15 of a default judgment if the defendant is in active state service active duty until the
16 court has appointed an attorney to represent the defendant and protect the
17 defendant's interests. Unless the court determines that the defendant is not in active
18 state service active duty, the court may require, as a condition of entering judgment,
19 the plaintiff to file a bond to indemnify the defendant, if he or she is in active state
20 service active duty, against any loss or damage resulting from the judgment if any
21 part of the judgment is later set aside. The court may make any other order as may
22 be necessary to protect the interests of the defendant under this section.

23 (b) (intro.) If a judgment is rendered in a court action against a service member
24 during the period of active state service active duty or within 30 days after the end
25 of that period of active state service active duty, and it appears that the service

1 member was prejudiced in making a defense by reason of his or her active state
2 service active duty, the court may reopen that judgment if all of the following
3 conditions exist:

4 1. The service member moves the court to reopen the judgment within 90 days
5 after his or her period of active state service active duty ends.

6 **SECTION 156.** 21.75 (6) and (7) of the statutes are renumbered 321.62 (6) and
7 (7) and amended to read:

8 321.62 (6) STAY OF ACTION. During any stage of a court action in which a service
9 member in active state service active duty is involved as a party, or within 60 days
10 after the end of the period of active state service active duty, the court in which the
11 action is pending may on its own motion, and shall, on application of the service
12 member or some person acting on behalf of the service member, stay the action unless
13 the court determines that the service member's ability to represent his or her interest
14 in the action is not materially affected by reason of his or her active state service
15 active duty.

16 (7) STAY OR VACATION OF EXECUTIONS OR ATTACHMENTS. In any court action that
17 is commenced against a service member before or after entering active state service
18 active duty, or within 60 days after the period of active state service active duty ends,
19 the court may on its own motion, and shall, on application of the service member or
20 some person acting on behalf of the service member, stay the execution of any
21 judgment or order entered against the service member, or stay or vacate any
22 attachment or garnishment regarding the service member's property, unless the
23 court determines that the service member's ability to comply with the judgment or
24 order is not materially affected by reason of his or her active state service active duty.

1 **SECTION 157.** 21.75 (8) of the statutes is renumbered 321.62 (8), and 321.62 (8)
2 (a), as renumbered, is amended to read:

3 321.62 (8) (a) Any stay of any action, attachment, execution, or garnishment
4 under this section may be ordered for the period of the active state service active duty
5 and ~~3 months~~ 90 days after that period has ended, or for any part of that time.

6 **SECTION 158.** 21.75 (9) and (10) of the statutes are renumbered 321.62 (9) and
7 (10) and amended to read:

8 321.62 (9) STATUTES OF LIMITATIONS. The period of active state service active
9 duty may not be included in computing any period for the bringing of any action or
10 proceeding in any court or before any public agency, as defined in s. 36.54 (2) (a) 2.,
11 by or against a person in active state service active duty or by or against his or her
12 heirs, personal representatives, or assigns, whether the cause of action or proceeding
13 or the right to bring the action or proceeding accrued before or during the period of
14 active state service active duty.

15 **(10) MAXIMUM INTEREST RATE.** No obligation or liability bearing interest at a rate
16 in excess of 6% per year incurred by a service member in active state service active
17 duty before his or her entry into that service duty may, during any part of the period
18 of active state service active duty, bear interest in excess of 6% per year except by
19 court order. If, upon application by an obligee, a court determines that the ability of
20 the service member to pay interest upon the obligation or liability at a rate in excess
21 of 6% per year is not materially affected by reason of his or her active state service
22 active duty, the court may make any order that is just. In this subsection, "interest"
23 includes service charges, renewal charges, fees, or other charges, other than
24 insurance, in respect to the obligation or liability.

1 **SECTION 159.** 21.75 (11) of the statutes is renumbered 321.62 (11), and 321.62
2 (11) (a) and (b), as renumbered, are amended to read:

3 321.62 (11) (a) No eviction may be made during the period of active state service
4 active duty in respect to any premises for which the agreed rent does not exceed
5 ~~\$1,200 per month~~ the amount specified in 50 USC App. 531, occupied chiefly for
6 dwelling purposes by the spouse, children, or other dependents of a service member
7 who is in active state service active duty, except upon order of a court in an action
8 affecting the right of possession.

 ****NOTE: The drafting subcommittee wanted to highlight this change for the
special committee. Under current law, the spouse, children, or other dependents of a
person who is on state active duty may not be evicted from premises for which the rent
does not exceed \$1,200 per month, except by court order. The subcommittee recommends
tying the amount of the rent to the amount of rent specified in a parallel federal law.
Under the referenced federal law, the amount is \$2,400 per month, adjusted for inflation
beginning in 2004.

9 (b) In an action for eviction under par. (a), the court may on its own motion, and
10 shall, on application of the service member or some person acting on behalf of the
11 service member, stay the proceedings for not longer than ~~3 months~~ 90 days unless
12 the court determines that the ability of the tenant to pay the agreed rent is not
13 materially affected by the active state service active duty. The court may make any
14 other order in the eviction action as it considers necessary and just. If a stay or order
15 is issued under this paragraph, the court may, upon the request of the owner of the
16 premises, make any other order as may be applicable to conserve the interests of all
17 of the parties.

18 **SECTION 160.** 21.75 (12) of the statutes is renumbered 321.62 (12), and 321.62
19 (12) (a), (b) (intro.) and (c) 1., as renumbered, are amended to read:

20 321.62 (12) (a) In this subsection, "obligation" means an obligation of a service
21 member in active state service active duty that was incurred before the service

1 member's period of active state service active duty began and that is secured by a
2 mortgage, deed of trust, or other security in the nature of a mortgage on real or
3 personal property that is owned by the service member.

4 (b) (intro.) If a court action against a service member is commenced during the
5 service member's period of active state service active duty to enforce an obligation
6 for nonpayment of any sum due or for any other breach of terms occurring before or
7 during the service member's period of active state service active duty, the court shall
8 hold a hearing on the matter. Unless the court determines that the service member's
9 ability to comply with the terms of the obligation is not materially affected by reason
10 of his or her active state service active duty, the court on its own motion may, or upon
11 application of the service member or another person on his or her behalf shall, do any
12 of the following:

13 (c) 1. Notwithstanding the times provided in ss. 846.10, 846.101, 846.102, and
14 846.103 for sales of real property, no foreclosure, sale, or seizure of property for
15 nonpayment of any sum due or for any other breach of terms is valid if it occurs
16 during or within ~~3 months~~ 90 days after the service member's period of active state
17 service active duty, unless the court ordered the foreclosure, sale, or seizure of
18 property before the beginning of the service member's period of active state service
19 active duty and approves the foreclosure, sale, or seizure after it occurs.

20 **SECTION 161.** 21.75 (13) of the statutes is renumbered 321.62 (13) and amended
21 to read:

22 **321.62 (13) PERSONAL PROPERTY CONTRACTS.** When an action to resume
23 possession of personal property, or to rescind or terminate a contract for the purchase
24 of personal property, has been stayed under this section, the court may appoint 3
25 disinterested persons to appraise the property. Based upon the report of the

1 appraisers, and unless undue hardship would result to the dependents of the service
2 member in ~~active state service~~ active duty, the court may order that a sum be paid
3 to the service member as a condition of resuming possession of the property or
4 rescinding or terminating the contract.

5 **SECTION 162.** 21.75 (14) of the statutes is renumbered 321.62 (14), and 321.62
6 (14) (a) 1. and (b), as renumbered, are amended to read:

7 321.62 (14) (a) 1. The lease was executed by or on behalf of a service member
8 who entered ~~active state service~~ active duty after the lease was executed.

9 (b) A lease to which this subsection applies may be terminated by the service
10 member at any time after the beginning of the service member's period of ~~active state~~
11 ~~service~~ active duty by giving notice in writing by personal delivery or first class mail
12 to the landlord or the person who has been receiving rent or managing the property
13 as the landlord's agent.

14 **SECTION 163.** 21.75 (15) of the statutes is renumbered 321.62 (15), and 321.62
15 (15) (a) and (b), as renumbered, are amended to read:

16 321.62 (15) (a) Notwithstanding ss. 704.05 (5) and 704.90, no person may
17 enforce a lien for storage of any household goods, furniture, or personal effects of a
18 service member during the period in which the service member is in ~~military service~~
19 state active duty and for 90 days after the member's completion of ~~military service~~
20 state active duty, except as permitted by a court order under par. (b).

21 (b) No person may exercise any right to foreclose or enforce a lien for the storage
22 of household goods, furniture, or personal effects of a service member during the
23 service member's period of ~~active state service~~ active duty and for ~~3 months~~ 90 days
24 after that period ends except upon an order of the court. In an action under this
25 paragraph, the court, after a hearing, may on its own motion, and shall, on

1 application of the service member or some person acting on behalf of the service
2 member, stay the proceeding or make such other order as may be equitable to
3 conserve the interests of all parties, unless the court determines that the ability of
4 the service member to pay storage charges due is not materially affected by his or her
5 active state service active duty.

6 **SECTION 164.** 21.75 (16) of the statutes is renumbered 321.62 (16) and amended
7 to read:

8 321.62 (16) DEPENDENT BENEFITS. Upon application to the court, a dependent
9 of a service member is entitled to the same benefits given to a service member while
10 in active state service active duty, unless the court determines that the ability of the
11 dependent to comply with the terms of an obligation, contract, lease, or bailment is
12 not materially impaired by reason of the service member's active state service active
13 duty.

14 **SECTION 165.** 21.75 (17) of the statutes is renumbered 321.62 (17).

15 **SECTION 166.** 21.75 (18) of the statutes is renumbered 321.62 (18) and amended
16 to read:

17 321.62 (18) CERTIFICATE OF SERVICE STATE ACTIVE DUTY; PERSON REPORTED MISSING.

18 (a) In any action or proceeding under this section, a certificate signed by the adjutant
19 general or a person designated by the adjutant general as to the period of state active
20 service duty of a service member shall be ~~prima facie~~ evidence as to any of the
21 following facts unless shown to be incorrect:

- 22 1. That the service member named has been in active state service active duty.
- 23 2. The period of the active state service active duty, including the date the
24 service member was ordered into active state service active duty.

1 3. The monthly pay received by the service member in ~~active state service~~ active
2 duty at the time the certificate was issued.

3 4. If the service member died while in ~~active state service~~ active duty, the date
4 and the place where he or she died.

5 (b) The adjutant general shall provide the certificate under par. (a) upon
6 request of the service member or of a person acting on behalf of the service member
7 or his or her estate, and any certificate so provided shall be ~~prima facie~~ evidence of
8 the facts stated in the certificate and of the authority of the signer to issue the
9 certificate unless shown to be incorrect.

10 (c) When a service member in ~~active state service~~ active duty has been reported
11 missing to the department, the service member shall be presumed to continue in
12 ~~active state service~~ active duty until accounted for, and no period limited under this
13 section which begins or ends with the death of a service member shall begin or end
14 until the death of the service member is determined by the department or by a court.

15 **SECTION 167.** 21.75 (19) of the statutes is renumbered 321.62 (19).

16 **SECTION 168.** 21.75 (20) of the statutes is renumbered 321.62 (20), and 321.62
17 (20) (a), as renumbered, is amended to read:

18 321.62 **(20)** (a) A service member may, at any time during his or her period of
19 ~~active state service~~ active duty, or within ~~6 months~~ 180 days after that ~~service duty~~
20 ends, apply to a court for relief with respect to any obligation or liability incurred by
21 the service member before his or her period of ~~active state service~~ active duty. The
22 court, after appropriate notice and hearing, may grant the following relief unless the
23 court determines that the ability of the service member to comply with the terms of
24 the obligation or liability has not been materially affected by his or her state active
25 service duty:

1 1. In the case of an obligation payable in installments under a contract for the
2 purchase of real estate, or secured by a mortgage upon real estate, a stay of the
3 enforcement of the obligation during the period of ~~active state service~~ active duty
4 and, from the date of the end of the period of ~~active state service~~ active duty or from
5 the date of requesting the relief if made after the ~~service~~ state active duty is ended,
6 for a period equal to the period of the remaining life of the installment contract or
7 instrument evidencing the obligation plus a period of time equal to the period of
8 ~~active state service~~ active duty, or any part of that combined period. The court may
9 issue a stay under this paragraph if the service member makes payments of the
10 balance of the principal and accumulated interest due and unpaid at the date of the
11 end of the period of ~~active state service~~ active duty or from the date of requesting the
12 relief, whichever is appropriate, in equal installments during the combined period
13 and at the rate of interest as is prescribed in the contract or instrument evidencing
14 the obligation for installments paid when due. The court may order other terms
15 under this paragraph as are just.

16 2. In the case of any other obligation or liability, a stay of the enforcement of
17 that obligation or liability during the service member's period of ~~active state service~~
18 active duty and, from the date of the end of the period of ~~active state service~~ active
19 duty or from the date of requesting the relief if made after the ~~service~~ duty is ended,
20 for a period equal to the period of ~~active state service~~ active duty or any part of that
21 period. The court may issue a stay under this paragraph if the service member
22 makes payments of the balance of the principal and accumulated interest due and
23 unpaid at the date of the end of the period of ~~active state service~~ active duty or from
24 the date of requesting the relief, whichever is appropriate, in equal installments
25 during the extended period and at the rate of interest as is prescribed for the

1 obligation or liability when due. The court may order other terms under this
2 paragraph as are just.

3 **SECTION 169.** 21.75 (21) of the statutes is renumbered 321.62 (21), and 321.62
4 (21) (b), as renumbered, is amended to read:

5 321.62 (21) (b) No power of attorney executed after ~~December 14, 2001~~, by a
6 service member in active state service active duty may be extended under par. (a) if
7 the document creating the power of attorney clearly indicates that the power granted
8 expires on the date specified even if the service member, after the date of execution
9 of the document, is reported missing to the department.

10 **SECTION 170.** 21.75 (22) of the statutes is renumbered 321.62 (22), and 321.62
11 (22) (a), (b) 2. and (c) 1., as renumbered, are amended to read:

12 321.62 (22) (a) 1. If a service member who is called ordered into active state
13 service active duty has coverage under a professional liability insurance policy that
14 does not cover claims filed with respect to the service member during the period of
15 active state service active duty unless the premiums are paid for the coverage for that
16 period, the insurer that provides the coverage shall suspend the service member's
17 coverage under the policy upon receipt of a written request from the service member
18 to do so. The insurer may not require that premiums be paid for the suspended
19 coverage. The insurer shall refund any premium amount already paid for coverage
20 of the service member for the period after the coverage is suspended or shall, at the
21 option of the service member, apply such amount to payment of any premium that
22 becomes due upon reinstatement of the coverage.

23 2. Subdivision 1. does not require the suspension of coverage for any other
24 person who has coverage under the policy and who is not a service member called

1 ordered into ~~active state service~~ active duty or relieve any person of the obligation
2 to pay premiums for coverage that is not required to be suspended under subd. 1.

3 (b) 2. For purposes of subd. 1., a claim that is based on the failure of a
4 professional to make adequate provision for the care of patients during the
5 professional's period of ~~active state service~~ active duty shall be considered to be based
6 on an action or the failure to take action before the beginning of the period during
7 which coverage is suspended under this subsection, unless professional services
8 were provided after the date on which the suspension of coverage began.

9 (c) 1. If a service member whose professional liability insurance coverage is
10 suspended under par. (a) transmits to the insurer, within 30 days after the date on
11 which the service member is released from ~~active state service~~ active duty, a written
12 request for reinstatement of his or her professional liability insurance coverage, the
13 insurer must reinstate the coverage as of the date on which the insurer receives the
14 written request. The period for which the coverage must be reinstated may not be
15 less than the balance of the period for which the coverage would have continued
16 under the policy had the coverage not been suspended.

17 **SECTION 171.** 21.75 (23) of the statutes is renumbered 321.62 (23) and amended
18 to read:

19 321.62 (23) NOTICE OF BENEFITS UNDER THIS SECTION. The department shall
20 provide each service member a brochure explaining this section when that service
21 member enters ~~active state service~~ active duty.

22 **SECTION 172.** 21.78 (title), (1), (2), (3) and (4) of the statutes are renumbered
23 321.63 (title), (1), (2), (3) and (4) and amended to read:

24 321.63 (title) **Employees Local government employees or officers in**
25 **military service federal active duty.** (1) The governing body of any county, town,

1 ~~city, village, school district, or technical college district~~ A local governmental unit, as
2 defined in s. 66.0135 (1) (c), may grant a leave of absence to any employee or officer
3 who is inducted or who enlists in the U.S. armed forces for a period of ~~military service~~
4 federal active duty of not more than ~~4~~ 5 years unless the employee is involuntarily
5 retained for a longer period. No salary or compensation of the employee or officer
6 shall be paid, nor claim for the salary or compensation exist, during the leave of
7 absence, except as provided in this section. If the employee's or officer's salary or
8 compensation is less in the U.S. armed forces than was paid by the ~~county, town, city,~~
9 ~~village, school district, or technical college district~~ local governmental unit, that
10 governmental unit may pay the employee or officer the difference between the salary
11 or compensation paid by the U.S. armed forces and the salary or compensation that
12 the employee or officer was paid by the ~~county, town, city, village, school district, or~~
13 ~~technical college district~~ local governmental unit at the time that he or she enlisted
14 in or was inducted into the U.S. armed forces.

****NOTE: The drafting subcommittee wanted to highlight for the special committee the change in the number of years for which a local governmental unit may grant a leave of absence to an employee or officer who is serving in federal active duty. In order to follow federal law, the statute is being amended to allow a 5-year leave of absence; current law allows 4 years.

15 (2) The ~~governing body~~ local governmental unit may provide for safeguarding
16 the reinstatement and pension rights, as limited in this section, of any employee or
17 officer so inducted or enlisted.

18 (3) No employee or officer who is appointed to fill the place of any employee or
19 officer so inducted or enlisted shall acquire permanent tenure during the period of
20 the replacement service.

21 (4) If the leave of absence under sub. (1) is granted to an elected or appointed
22 official or employee and the official or employee has begun ~~service in the U.S. armed~~

1 ~~forces~~ federal active duty, a temporary vacancy exists and a successor may be
2 appointed to fill the unexpired term of the official or employee, or until the official
3 or employee returns and files an election to resume the office if the date of the filing
4 is prior to the expiration of the term. The appointment shall be made in the manner
5 provided for the filling of vacancies caused by death, resignation, or otherwise, except
6 that no election need be held to fill a temporary vacancy. The appointee has all the
7 powers, duties, liabilities, and responsibilities and shall be paid and receive the
8 compensation and other benefits of the office or position, unless otherwise provided
9 by the ~~governing body~~ local governmental unit. Within 40 days after the termination
10 of service in the U.S. armed forces federal active duty, the elected or appointed official
11 or employee, upon filing with the clerk of the local governmental unit, a statement
12 under oath of termination and that the official or employee elects to resume the office
13 or position, may resume the office or position for the remainder of the term for which
14 elected or appointed. The person temporarily filling the vacancy shall cease to hold
15 the office on the date of the filing.

16 **SECTION 173.** 21.78 (5) of the statutes is repealed.

17 **SECTION 174.** 21.79 of the statutes is renumbered 321.64, and 321.64 (title), (1)
18 (a) (intro.), 1., 3. and 5., (2) and (4), as renumbered, are amended to read:

19 **321.64 (title) Reemployment after completion of military service**
20 **federal active duty or service.** (1) (a) (intro.) Any person who has enlisted or
21 enlists in or who has been or is inducted or ordered into ~~active service in the U.S.~~
22 ~~armed forces pursuant to 50 App. USC 301, 401, and 451, or P.L. 87-117~~ federal
23 active duty for 90 days or more, and any person whose services are requested by the
24 federal government for national defense work as a civilian during a period officially
25 proclaimed to be a national emergency or a limited national emergency, who, to

1 perform the ~~training~~ duty or service, has left or leaves a position, other than a
2 temporary position, in the employ of any political subdivision of the state or in the
3 employ of any private or other employer, shall be restored to that position or to a
4 position of like seniority, status, pay, and salary advancement as though service
5 toward seniority, status, pay, or salary advancement had not been interrupted by the
6 absence, if all of the following conditions are met:

7 1. The person presents to the employer evidence of satisfactory completion of
8 the period of ~~training or civilian~~ federal active duty or federal government service,
9 or of discharge from the U.S. armed forces under conditions other than dishonorable.

10 3. The person makes application for reemployment and resumes work within
11 90 days after completion of the ~~training or~~ federal active duty or federal government
12 service, military or civilian, or was so discharged from the U.S. armed forces, or
13 within 6 months after release from hospitalization for duty-connected or
14 service-connected injury or disease.

15 5. The ~~military service~~ federal active duty or federal government service was
16 not for more than ~~4~~ 5 years unless extended by law.

17 (2) The service of any person who is or was restored to a position in accordance
18 with sub. (1) shall be considered not to be interrupted by the absence, except for the
19 receipt of pay or other compensation for the period of the absence and he or she shall
20 be entitled to participate in insurance, pensions, retirement plans, or other benefits
21 offered by the employer under established rules and practices relating to employees
22 on furlough or leave of absence in effect with the employer at the time the person
23 entered or was enlisted, inducted, or ordered into ~~the forces and service~~ federal active
24 duty or federal government service. The person whose position was restored may not
25 be discharged from the position without cause within one year after restoration and

1 the discharge is subject to all federal or state laws affecting any private employment
2 and to the provisions of contracts that may exist between employer and employee.
3 Each ~~county, town, city, or village~~ political subdivision shall contribute or pay all
4 contributions of the employer to the applicable and existent pension, annuity, or
5 retirement system as though the service of the employee had not been interrupted
6 by ~~military service~~ federal active duty or federal government service.

7 (4) No person who is appointed in the service of the state or of any ~~county, city,~~
8 ~~village, or town~~ political subdivision to fill the place of a person entering service in
9 the U.S. armed forces federal active duty or federal government service under sub.
10 (1) shall acquire permanent tenure during the period of that replacement service.

11 **SECTION 175.** 21.80 (title) and (1) (intro.) of the statutes are renumbered 321.65
12 (title) and (1) (intro.).

13 **SECTION 176.** 21.80 (1) (a) of the statutes is renumbered 321.65 (1) (a), and
14 321.65 (1) (a) (intro.), 1. and 3., as renumbered, are amended to read:

15 321.65 (1) (a) (intro.) "Active state service" means any of the following:

16 1. ~~Active service in the national guard or the state defense force under an order~~
17 ~~of the governor issued under this chapter~~ State active duty or active service duty in
18 the national guard under 32 USC 502 (f) ~~that is not considered to be service in the~~
19 ~~uniformed services.~~

20 3. Active service duty in the national guard of any state under an order of the
21 governor of that state.

22 **SECTION 177.** 21.80 (1) (b) to (e) of the statutes are renumbered 321.65 (1) (b)
23 to (e).

24 **SECTION 178.** 21.80 (1) (f) of the statutes is repealed.

25 **SECTION 179.** 21.80 (1) (g) of the statutes is renumbered 321.65 (1) (f).

1 **SECTION 180.** 21.80 (2) of the statutes is renumbered 321.65 (2) and amended
2 to read:

3 **321.65 (2) MORE GENEROUS RIGHTS PERMITTED.** Nothing in this section prohibits
4 an employer from providing employees who are ~~ealled~~ ordered into active state
5 service with reemployment rights and benefits that are more generous to the
6 employee than the rights and benefits provided under this section.

7 **SECTION 181.** 21.80 (3) of the statutes is renumbered 321.65 (3), and 321.65 (3)
8 (a) (intro.), 1., 2. and 4., (c), (d) 2., (e) 1., 2. and 3., (f) 1. and (h), as renumbered, are
9 amended to read:

10 **321.65 (3) (a) Prerequisites.** (intro.) Subject to par. (d), any person who is a
11 resident of this state and absent from a position of employment because of active
12 state service is entitled to the reemployment rights and benefits specified in this
13 section if all of the following apply:

14 1. Except as provided in par. (b), the person or an appropriate officer in the
15 national guard of this or another state or the state defense force has given advanced
16 notice of the active state service to the person's employer.

17 2. Except as provided in par. (c), the cumulative length of the absence from the
18 position of employment and of all previous absences from a position of employment
19 with the employer by reason of active state service or ~~service in the uniformed~~
20 ~~services~~ federal active duty does not exceed 5 years.

21 4. In the case of active state service in the national guard in this or another state
22 or the state defense force, the active state service has not been terminated under
23 other than honorable conditions.

24 (c) *Length of absence limit.* The periods of ~~service in the uniformed services~~
25 federal active duty described in 38 USC 4312 (c) (1) to (4) and all of the following

1 periods of active state service are not included in calculating the 5-year period
2 specified in par. (a) 2.:

3 1. Any period of active state service, ~~as defined in sub. (1) (a) 1.~~, beyond that
4 5-year period that is required to complete an initial period of obligated active state
5 service.

6 2. Any period of active state service, ~~as defined in sub. (1) (a) 1.~~, for which the
7 person, through no fault of the person's own, was unable to obtain orders releasing
8 the person from a period of active state service before the expiration of the 5-year
9 period.

10 3. Any period of active state service, ~~as defined in sub. (1) (a) 1.~~, that was
11 performed to fulfill any additional training requirements determined and certified
12 in writing by the federal secretary of the army, the federal secretary of the air force,
13 or the adjutant general to be necessary for professional development or for
14 completion of skill training or retraining.

15 4. Any period of active state service that was performed by a person who was
16 ordered to, or retained in, active state service, other than for training, because of a
17 state emergency declared by the governor, because of a war or national emergency
18 declared by the president of the United States or Congress, because of insurrection,
19 rebellion, riot, invasion, or resistance to the execution of the laws of this state or of
20 the United States, or in support of an operational mission, a critical mission, or any
21 other requirement of the ~~uniformed services~~ U.S. armed forces.

22 (d) 2. The position of employment that the person left to perform active state
23 service was for a brief, nonrecurrent period and there was no reasonable expectation
24 that the position of employment would continue indefinitely or for a significant
25 period of time.

1 (e) 1. Subject to subds. 4. and 5., if a person who has been absent from a position
2 of employment because of active state service that lasted for less than 31 days, who
3 has been absent from a position of employment for any period of time for the purpose
4 of an examination to determine the person's fitness to perform active state service,
5 or who has been absent from a position of employment because the person was
6 hospitalized for or was convalescing from an illness or injury that was incurred in
7 or aggravated during the performance of that active state service wishes to receive
8 the reemployment rights and benefits specified in this section, the person must
9 notify the person's employer of the person's intent to return to the position of
10 employment by reporting to the employer by no later than the beginning of the first
11 full regularly-scheduled work period on the first full calendar day following the
12 completion of the active state service, examination, or period of hospitalization or
13 convalescence, a period of time that allows for the safe transportation of the person
14 from the place of active state service, examination, hospitalization, or convalescence
15 to the person's residence, and a rest period of 8 hours following that transportation
16 period or, if through no fault of the person's own reporting to the employer within that
17 time is impossible or unreasonable, by reporting to the employer as soon as possible
18 after that 8-hour rest period.

19 2. Subject to subds. 4. and 5., if a person who has been absent from a position
20 of employment because of active state service that lasted for more than 30 days, but
21 less than 181 days, or who has been absent from a position of employment because
22 the person was hospitalized for or was convalescing from an illness or injury that was
23 incurred in or aggravated during the performance of that active state service wishes
24 to receive the reemployment rights and benefits specified in this section, the person
25 must notify the person's employer of the person's intent to return to the position of

1 employment by submitting to the employer an application for reemployment by no
2 later than 14 days after the completion of the active state service, hospitalization, or
3 convalescence or, if through no fault of the person's own submitting the application
4 within that time is impossible or unreasonable, by submitting to the employer an
5 application for reemployment by no later than the first full calendar day on which
6 submission of the application becomes possible.

7 3. Subject to subds. 4. and 5., if a person who has been absent from a position
8 of employment because of active state service that lasted for more than 180 days or
9 who has been absent from a position of employment because the person was
10 hospitalized for or was convalescing from an illness or injury that was incurred in
11 or aggravated during the performance of that active state service wishes to receive
12 the reemployment rights and benefits specified in this section, the person must
13 notify the person's employer of the person's intent to return to the position of
14 employment by submitting to the employer an application for reemployment by no
15 later than 90 days after the completion of the active state service, hospitalization, or
16 convalescence or, if through no fault of the person's own submitting the application
17 within that time is impossible or unreasonable, by submitting to the employer an
18 application for reemployment by no later than the first full calendar day on which
19 submission of the application becomes possible.

20 (f) 1. A person who submits an application for reemployment under par. (e) 2.
21 or 3. must, on the request of the person's employer, provide to the employer
22 documentation to establish that the application was submitted within the time
23 limits specified in par. (e) 2. or 3., that the person's cumulative length of all absences
24 from employment with the employer because of active state service ~~or service in the~~
25 ~~uniformed services~~ and federal active duty does not, except as permitted under par.

1 (c), exceed 5 years, and, in the case of active state service in the national guard in this
2 or another state or the state defense force, that the person's service was not
3 terminated under other than honorable conditions.

4 (h) *Prohibited bases for denial of reemployment.* In determining a person's
5 right to reemployment and other benefits under this section, an employer may not
6 deny reemployment or any other benefits based on the timing, frequency, duration,
7 or nature of the person's active state service or ~~service in the uniformed services~~
8 federal active duty so long as the requirements under par. (a) are met.

9 **SECTION 182.** 21.80 (4) of the statutes is renumbered 321.65 (4), and 321.65 (4)
10 (a), as renumbered, is amended to read:

11 321.65 (4) (a) *Prompt reemployment required.* 1. Subject to subds. 3. and 4. and
12 par. (b), an employer shall reemploy a person who is entitled to reemployment under
13 sub. (3) and whose period of active state service was for less than 91 days promptly
14 on completion of that period of active state service in the position of employment in
15 which the person would have been employed if the continuous employment of the
16 person with the employer had not been interrupted by that active state service so
17 long as the person is qualified to perform the duties of that position or, if after
18 reasonable efforts by the employer to qualify the person to perform those duties the
19 person is not qualified to perform those duties, in the position of employment in
20 which the person was employed on the date on which the person's period of active
21 state service began.

22 2. Subject to subds. 3. and 4. and par. (b), an employer shall reemploy a person
23 who is entitled to reemployment under sub. (3) and whose period of active state
24 service was for more than 90 days promptly on completion of that period of active
25 state service in the position of employment in which the person would have been

1 employed if the continuous employment of the person with the employer had not been
2 interrupted by that active state service or in a position of employment of like
3 seniority, status, and pay so long as the person is qualified to perform the duties of
4 that position or, if after reasonable efforts by the employer to qualify the person to
5 perform those duties the person is not qualified to perform those duties, in the
6 position of employment in which the person was employed on the date on which the
7 person's period of active state service began or in a position of employment of like
8 seniority, status, and pay.

9 3. Subject to par. (b), in the case of a person who has a disability that was
10 incurred in or aggravated during a period of active state service and who, after
11 reasonable efforts by the employer to accommodate the disability, is not qualified due
12 to the disability to perform the duties of the position of employment in which the
13 person would have been employed if the continuous employment of the person with
14 the employer had not been interrupted by the active state service, the employer shall
15 reemploy the person promptly on completion of that period of active state service in
16 any other position that is equivalent to that position in seniority, status, and pay, the
17 duties of which the person is qualified to perform or would become qualified to
18 perform with reasonable efforts by the employer, or, if there is no other position of
19 employment available that is equivalent to that position in seniority, status, and pay,
20 in a position that is the nearest approximation to that equivalent position in terms
21 of seniority, status, and pay, consistent with the person's circumstances.

22 4. Subject to par. (b), in the case of a person who is not qualified to be employed
23 in the position of employment in which the person would have been employed if the
24 continuous employment of the person with the employer had not been interrupted
25 by the person's active state service or in the position of employment in which the

1 person was employed on the date on which the person's period of active state service
2 began for any reason other than disability incurred in or aggravated during a period
3 of active state service and who cannot become qualified to be so employed with
4 reasonable efforts by the employer, the employer shall reemploy the person promptly
5 on completion of that period of active state service in any other position that the
6 person is qualified to perform and that is the nearest approximation to the position
7 of employment in which the person would have been employed if the continuous
8 employment of the person with the employer had not been interrupted by that active
9 state service, with full seniority, or if no position of employment that is the nearest
10 approximation to that position is available, in a position of employment that the
11 person is qualified to perform and that is the nearest approximation to the position
12 of employment in which the person was employed on the date on which the person's
13 period of active state service began, with full seniority.

14 **SECTION 183.** 21.80 (5) of the statutes is renumbered 321.65 (5) and amended
15 to read:

16 321.65 (5) RIGHTS, BENEFITS, AND OBLIGATIONS. (a) *Seniority.* A person who is
17 reemployed under this section is entitled to the seniority and other rights and
18 benefits determined by seniority that the person had on the last day of employment
19 before the person's active state service began, plus all seniority and other rights and
20 benefits determined by seniority that the person would have had if the continuous
21 employment of the person with the employer had not been interrupted by that active
22 state service.

23 (b) *Continuation of benefits.* 1. Subject to subds. 2. to 5., a person who is absent
24 from employment because of active state service is considered to be on furlough or
25 leave of absence while performing the active state service and is entitled to receive

1 all rights and benefits not determined by seniority that are generally provided by the
2 employer to employees having similar seniority, status, and pay who are on furlough
3 or leave of absence under a contract, agreement, policy, practice, or plan that is in
4 effect on the day on which the active state service began or that is established while
5 the person is performing the active state service.

6 2. If an employer shows that a person who is absent from a position of
7 employment because of active state service has knowingly provided written notice
8 of the person's intent not to return to a position of employment with the employer
9 after that active state service and, in doing so, was aware of the specific rights and
10 benefits under subd. 1. that the person would lose while absent from the position of
11 employment, the person is not entitled to the rights and benefits specified in subd.
12 1. while absent from employment.

13 3. A person who is considered to be on furlough or leave of absence under subd.
14 1. while performing active state service is not entitled to any benefit to which the
15 person would not otherwise be entitled if the person had remained continuously
16 employed.

17 4. An employer may require a person who is considered to be on furlough or
18 leave of absence under subd. 1. while performing active state service to pay the
19 employee cost, if any, of any benefit that is continued under subd. 1. to the same
20 extent that other employees who are on furlough or leave of absence are so required.

21 5. A person who is absent from a position of employment because of active state
22 service is entitled to receive coverage under a health benefit plan during the absence
23 and on reemployment as provided in sub. (6).

24 (c) *Protection from discharge.* An employer that reemploys under this section
25 a person whose period of active state service lasted for more than 30 days, but less

1 than 181 days, may not discharge the person within 180 days after the date of
2 reemployment except for cause. An employer that reemploys under this section a
3 person whose period of active state service lasted for more than 180 days may not
4 discharge the person within one year after the date of reemployment except for
5 cause.

6 **SECTION 184.** 21.80 (6) of the statutes is renumbered 321.65 (6), and 321.65 (6)

7 (a) (intro.) and (c), as renumbered, are amended to read:

8 321.65 (6) (a) *Option to continue coverage.* (intro.) Notwithstanding s. 632.897,
9 if a person who has coverage under a health benefit plan in connection with the
10 person's employment is absent from a position of employment because of active state
11 service, the insurer that issued the health benefit plan shall permit the person, and
12 the person's dependents, to continue coverage under the health benefit plan until the
13 first to occur of the following:

14 (c) *Reinstatement on reemployment.* If a person's coverage under a health
15 benefit plan in connection with his or her employment was terminated because of the
16 person's active state service and if after returning from that active state service the
17 person is reemployed under sub. (3), coverage under the health benefit plan shall be
18 reinstated for the person and the person's dependents immediately upon
19 reemployment. With respect to the reinstated coverage, no exclusion or waiting
20 period may be imposed that would not have been imposed had the coverage not been
21 terminated because of the active state service.

22 **SECTION 185.** 21.80 (7) of the statutes is renumbered 321.65 (7).

23 **SECTION 186.** 21.80 (8) of the statutes is repealed.

24 **SECTION 187.** 40.05 (4g) (a) 4. of the statutes is amended to read:

1 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
2 or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111 or
3 under rules promulgated by the director of the office of state employment relations
4 or is eligible for reemployment with the state under s. ~~21.79~~ 321.64 after completion
5 of his or her service in the U.S. armed forces.

6 **SECTION 188.** 45.03 (13) (e) of the statutes is amended to read:

7 45.03 (13) (e) Provide county veterans service officers with the information
8 provided to the department by the adjutant general under s. ~~21.19 (14)~~ 321.04 (1) (o)
9 and may provide county veterans service officers with information on all necessary
10 military points of contact and general deployment information for reserve units of
11 the U.S. armed forces.

12 **SECTION 189.** 45.20 (2) (d) 3. of the statutes is amended to read:

13 45.20 (2) (d) 3. A veteran may not receive reimbursement under this subsection
14 for any semester in which he or she is eligible for or received a grant under s. ~~21.49~~
15 321.40 or under 10 USC 2007.

16 **SECTION 190.** 45.60 (1) (b) of the statutes is amended to read:

17 45.60 (1) (b) Military funeral honors may be provided by local units of member
18 organizations of the council on veterans programs, by local units of veterans
19 organizations certified by the department to provide military funeral honors, by
20 members of the Wisconsin national guard activated under s. ~~21.11 (3)~~ 321.04 (2) (e),
21 or by staff of the department.

22 **SECTION 191.** 71.93 (1) (a) 6. of the statutes is amended to read:

23 71.93 (1) (a) 6. An amount owed to the department of military affairs under s.
24 ~~21.49 (3m)~~ 321.40 (5).

25 **SECTION 192.** 106.54 (7) of the statutes is amended to read:

1 106.54 (7) The division shall receive complaints under s. ~~21.80 (7) (b) 1. or 2.~~
2 321.65 (7) (b) 1. or 2. and shall process the complaints in the same manner that
3 employment discrimination complaints are processed under s. 111.39.

4 **SECTION 193.** 121.05 (1) (a) 13. of the statutes is amended to read:

5 121.05 (1) (a) 13. Pupils attending the Youth Challenge Academy program
6 under s. ~~21.26~~ 321.03 (1) (c).

7 **SECTION 194.** 121.095 (title) of the statutes is amended to read:

8 **121.095 (title) State aid adjustment; Youth Challenge Academy**
9 **program.**

10 **SECTION 195.** 121.095 (1) (a) of the statutes is amended to read:

11 121.095 (1) (a) Determine the number of pupils counted in the school district's
12 membership who are attending the Youth Challenge Academy program under s.
13 ~~21.26~~ 321.03 (1) (c).

14 **SECTION 196.** 121.095 (1) (b) 1. of the statutes is amended to read:

15 121.095 (1) (b) 1. The amount determined by the department of military affairs
16 under s. ~~21.26 (2) (a)~~ 321.03 (1) (c) 1.

17 **SECTION 197.** 121.90 (1) (intro.) of the statutes is amended to read:

18 121.90 (1) (intro.) "Number of pupils enrolled" means the number of pupils
19 enrolled on the 3rd Friday of September, including pupils identified in s. 121.05 (1)
20 (a) 1. to 11. and 13., and the number of pupils attending the Youth Challenge
21 Academy program under s. ~~21.26~~ 321.03 (1) (c) in the previous spring session, except
22 that "number of pupils enrolled" excludes the number of pupils attending public
23 school under s. 118.145 (4) and except as follows:

24 **SECTION 198.** 230.04 (17) of the statutes is amended to read:

230.04 (17) The director shall resolve any dispute raised by a complaint filed under s. ~~21.79 (1) (c)~~ 321.64 (1) (c).

SECTION 199. 230.315 (1) (c) of the statutes is amended to read:

230.315 (1) (c) The employee has received a military leave of absence under s. 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111, or under rules promulgated by the office of employment relations or is eligible for reemployment with the state under s. ~~21.79~~ 321.64 after completion of his or her service in the U.S. armed forces.

SECTION 200. 230.32 (7) of the statutes is amended to read:

230.32 (7) Any employee who is absent from state service because the employee is in active service, as defined in s. ~~21.80 (1) (a)~~ 321.65 (1) (a), is entitled to all reemployment rights and benefits provided under s. ~~21.80~~ 321.65.

SECTION 201. Chapter 321 (title) of the statutes is created to read:

CHAPTER 321

DEPARTMENT OF MILITARY AFFAIRS

SECTION 202. Subchapter I (title) of chapter 321 [precedes 321.01] of the statutes is created to read:

CHAPTER 321

SUBCHAPTER I

GENERAL PROVISIONS

SECTION 203. 321.01 of the statutes is created to read:

321.01 Definitions. In this chapter:

(1) "Active duty" means federal active duty or state active duty.

(2) “Department” means the department of military affairs.

(3) "Facility" includes armory, base, installation, and airfield.

1 (4) "Federal active duty" means full-time duty in the active military service of
2 the United States, as defined in 10 USC 101 (d) or 32 USC 502, 503, or 904.

3 (5) "Law enforcement agency" means an agency of the federal government, a
4 federally recognized Indian tribe or band, or a state or political subdivision of a state,
5 whose purpose is the detection and prevention of crime and enforcement of laws or
6 ordinances.

7 (6) "Law enforcement officer" means any person employed by a law
8 enforcement agency who is authorized to make arrests for violations of the laws or
9 ordinances that the person is employed to enforce.

10 (7) "Military property" includes arms, clothing, equipment, publications,
11 supplies, and vehicles owned by or in the custody of the department.

12 (8) "Military records" means correspondence, medical records, personnel
13 records, and other documents in the custody of the department.

14 (9) "National guard," unless the context otherwise requires, means both the
15 Wisconsin army national guard and the Wisconsin air national guard.

16 (10) "Political subdivision" means a city, village, town, or county.

17 (11) "State active duty" means full-time state duty in the national guard, or
18 state defense force when activated, under an order of the governor or under an order
19 otherwise issued by authority of law, and includes travel to and from that duty.

20 (12) "Unit" means a formally organized division or subset of the national guard
21 or state defense force.

* (13) "Wisconsin Code of Military Justice" means
22 SECTION 204. 321.02 (title) of the statutes is created to read: *The Wisconsin*
23 321.02 (title) **Powers and duties of the governor.** *Code of Military*
24 SECTION 205. 321.04 (title) and (1) (intro.) of the statutes are created to read: *Justice under ch.* 322.

1 **321.04 (title) Powers and duties of the adjutant general. (1) (intro.)** The
2 adjutant general or his or her designee shall do all of the following:

3 **SECTION 206.** 321.04 (1) (b) of the statutes is created to read:

4 321.04 (1) (b) Advise the governor on military issues and transmit military
5 correspondence to and from the governor.

6 **SECTION 207.** 321.04 (1) (j) of the statutes is created to read:

7 321.04 (1) (j) Prepare the training of national guard members.

8 **SECTION 208.** 321.04 (1) (m) of the statutes is created to read:

9 321.04 (1) (m) Prepare and issue all necessary accounting books and forms for
10 the national guard. All of the accounting books and forms shall conform as nearly
11 as practicable to those in use in the U.S. army or air force.

12 **SECTION 209.** 321.04 (1) (p) of the statutes is created to read:

13 321.04 (1) (p) Perform the duties under s. 321.51 (2) (e).

14 **SECTION 210.** 321.04 (2) (intro.) of the statutes is created to read:

15 321.04 (2) (intro.) The adjutant general or his or her designee may do any of
16 the following:

17 **SECTION 211.** 321.04 (2) (f) of the statutes is created to read:

18 321.04 (2) (f) Perform the duties under 321.51 (2) (b).

19 **SECTION 212.** Subchapter II (title) of chapter 321 [precedes 321.10] of the
20 statutes is created to read:

21 **CHAPTER 321**

22 **SUBCHAPTER II**

23 **MILITARY OFFICERS**

24 **SECTION 213.** 321.10 (1) (e) of the statutes is created to read:

321.10 (1) (e) A joint chief of staff, whose rank may may not exceed major general.

SECTION 214. Subchapter III (title) of chapter 321 [precedes 321.20] of the statutes is created to read:

CHAPTER 321

SUBCHAPTER III

MILITARY PROPERTY

SECTION 215. 321.21 (1) of the statutes is created to read:

321.21 (1) In this section, “money” means funds in the custody of the department.

SECTION 216. 321.23 (title) of the statutes is created to read:

321.23 (title) Facilities and lands.

SECTION 217. Subchapter IV (title) of chapter 321 [precedes 321.30] of the statutes is created to read:

CHAPTER 321

SUBCHAPTER IV

NATIONAL GUARD AND

STATE DEFENSE FORCE

SECTION 218. 321.39 (1) (a) (intro.) of the statutes is created to read:

321.39 (1) (a) (intro.) The governor may order into state active duty members of the national guard under the following circumstances:

SECTION 219. 321.39 (1) (a) 3. of the statutes is created to read:

321.39 (1) (a) 3. If the governor declares a state of emergency relating to public health under s. 166.03 (1) (b).

SECTION 220. 321.40 (6) (d) of the statutes is created to read:

Insert 81-24 & 81-24 ~~XXXX~~ Note

321.40 (6) (d) No guard member may receive a tuition grant under this section unless he or she is a member in good standing in the national guard at the time of completion of the course.

SECTION 221. 321.51 (2) (b) of the statutes is created to read:

321.51 (2) (b) If the state defense force is organized under sub. (1), the adjutant general may perform the duties under s. 321.04 (2) (a), (b), (c) and (d) for the state defense force.

SECTION 222. 321.51 (2) (e) of the statutes is created to read:

321.51 (2) (e) If the state defense force is organized under sub. (1), the adjutant general shall perform the duties under s. 321.04 (1) ^{(a) to (n) and (q)} for the state defense force.

SECTION 223. Subchapter V (title) of chapter 321 [precedes 321.60] of the statutes is created to read:

CHAPTER 321

SUBCHAPTER V

RIGHTS OF SERVICE MEMBERS

SECTION 224. Subchapter VI (title) of chapter 321 [precedes 321.70] of the statutes is created to read:

CHAPTER 321

SUBCHAPTER VI

WISCONSIN CODE OF MILITARY JUSTICE

(END)

Insert 82-21

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